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Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

PAUL SCOTT KLEIN,  
  
Plaintiff,

v.

CLARK COUNTY SCHOOL DISTRICT,  
REID KOMOTO, BRIAN WILLIAMS, SR.,  
CHERYL BURSON, ERIC BURSON,  
PATTERSON, TAYLOR, ROY PLUMLEE,  
VINCENT HAIN, SHUBERT, FIGUEROA,  
MICHAEL MAXFIELD, HOWARD SKOLNIK,  
LEO VATH, TONY, WHEELOCK, GRUSMAN,  
FRED TOCCO, MARYANN MARSH, BRILL,  
MAGNUM, HAIN, JOHN DOE and JANE DOE,  
  
Defendants.

CASE NO.: 3:08-cv-00191-ECR-VPC

**ORDER GRANTING  
DEFENDANTS' APPLICATION FOR AN  
ORDER TO PRODUCE PRISONER AT  
TRIAL**

Defendants JAMES BRILL, CHERYL BURSON, ERIC BURSON, ANTHONY  
DIGIRALAMO, TRACI DORY, JAMES FIGUEROA, DAVID GRUSMAN, VINCENT HAIN,  
DAVID MAGNUM, MARYANN MARSH, MICHAEL MAXFIELD, JEFFREY PATTERSON, ROY  
PLUMLEE; LAVERT TAYLOR, HOWARD SKOLNIK, LEO VATH, PAUL WHEELOCK, BRIAN  
WILLIAMS, and GINA HAIN, by and through, CATHERINE CORTEZ MASTO, Attorney General,

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1 and DENISE S. BALBONI, Deputy Attorney General, hereby move for permission to produce Plaintiff  
 2 Paul S. Klein, *pro se*, for Court at the calendar call and trial. This application is based upon the  
 3 following memorandum of points and authorities.

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 **I. NATURE OF THE MOTION**

6 Defendants respectfully request the issuance of an Order to produce Plaintiff for the calendar call  
 7 and trial in this matter, which are scheduled to take place on February 13, 2012, and February 14, 2012,  
 8 because Defendants cannot legally produce him without one.

9 **II. BRIEF STATEMENT OF THE CASE**

10 Plaintiff is an inmate in the custody of the NDOC and is currently housed at Northern Nevada  
 11 Correctional Center ("NNCC"). A calendar call is scheduled for Monday, February 13, 2012, at 9:00 a.m.  
 12 and the 3-day trial is scheduled to begin on Tuesday, February 14, 2012, at 10:00 a.m. (Dkt. #324).

13 **III. DISCUSSION**

14 The Order scheduling the calendar call and trial does not state that the Attorney General's Office  
 15 must arrange for the Plaintiff to be physically present. Dkt. #324. However, Defendants suggest that the  
 16 calendar call and trial would be more constructive if Plaintiff were physically present.

17 Pursuant to state law and NDOC's administrative regulations, the NDOC cannot legally transport  
 18 Plaintiff from NNCC to the Court without an Order to Produce. *See* NRS 209.131; NRS 209.161; NRS  
 19 209.273; NRS 209.274; NRS 50.215; and Administrative Regulation 430.<sup>1</sup> Therefore, Defendants request  
 20 an order to produce Plaintiff.

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<sup>1</sup> Administrative Regulation 430 is available online at: <http://www.doc.nv.gov/sites/doc/files/pdf/AR430.pdf>.

1 **IV. CONCLUSION**

2 Based upon the foregoing, Defendants respectfully request that this Court grant their Application  
3 and issue an Order to Produce Plaintiff for the calendar call scheduled for Monday, February 13, 2012,  
4 at 9:00 a.m. and trial scheduled for Tuesday, February 14, 2012, at 10:00 a.m. in courtroom #3, U.S.  
5 District Court – Reno, 400 S. Virginia St., Reno, NV 89501.

6 DATED this 26th day of January, 2012.

7 Respectfully submitted,

8 CATHERINE CORTEZ MASTO  
9 Attorney General

10 By: /s/ Denise S. Balboni  
11 DENISE S. BALBONI  
12 Deputy Attorney General  
Public Safety Division

13 IT IS SO ORDERED.

14 DATED January 26, 2012.

15   
16 EDWARD C. REED  
17 U.S. District Judge

18 **CERTIFICATE OF SERVICE**

19 I hereby certify that I am an employee of the Office of the Attorney General and that on the 26<sup>th</sup>  
20 day of January, 2012, I served the foregoing **Defendants' Application for an Order to Produce**  
21 **Prisoner for Trial** by causing a true and correct copy thereof to be filed with the Clerk of the Court  
22 using the CM/ECF system and by causing a true and correct copy thereof to be delivered to the  
23 Department of General Services, for mailing at Las Vegas, Nevada, addressed to the following:

24 PAUL S. KLEIN #30918  
25 NORTHERN NEVADA CORRECTIONAL CENTER  
26 P.O. BOX 7000  
27 CARSON CITY, NV 89702

28 /s/ Kimie S. Beverly  
An employee of the Office of the Attorney General